

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SCOTT PROUTY,
Petitioner,

v.

Case No. 11-C-0645

GARY BOUGHTON, Warden,
Prairie du Chien Correctional Institution,
Respondent.

ORDER

On July 6, 2011, Scott Prouty filed this petition pursuant to 28 U.S.C. § 2254, asserting that his state court conviction and sentence were imposed in violation of the Constitution. He has requested that I appoint pro bono counsel to represent him. In a prior order, I found that petitioner had not shown that he had made reasonable attempts to secure counsel on his own. Petitioner has since demonstrated that he has made reasonable attempts to secure counsel and that those attempts have been unsuccessful. I therefore turn to the question of whether, given the difficulty of the case, Prouty appears competent to litigate it himself. Pruitt v. Mote, 503 F.3d 647, 654 (7th Cir. 2007) (en banc).

Prouty has a bachelor's degree in biology from the University of Wisconsin, and to this point his filings have demonstrated that he has the ability to understand legal principles and develop legal arguments. The legal issues in this case appear to be no more difficult than the issues presented in a typical habeas case. Although habeas issues are never easy, pro se inmates routinely effectively litigate their habeas claims in this court. To be sure, a lawyer would likely do a better job than Prouty will be able to, but that is not a

reason to appoint counsel in a civil case. Pruitt, 503 F.3d at 655. Accordingly, Prouty's renewed motion for appointed counsel will be denied.

For the reasons stated, **IT IS ORDERED** that petitioner's renewed motion to appoint counsel is **DENIED**.

Dated at Milwaukee, Wisconsin, this 5th day of August 2011.

/s _____
LYNN ADELMAN
District Judge